



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3012797
Applicant: Michael Carey for First Hill/8th Ave LLC
Address: 802 Seneca Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 31-story, 335-unit residential building with 4,469 sq. ft. of retail at grade. Parking for 285 vehicles will be provided in below grade garage. Previous Design Review was conducted under Project #3003307.

The following approvals are required:

Design Review Departures (SMC Chapter 23.41)

- Development Standard Departure to allow parking above grade and adjacent to a street lot line (23.45.516-C.2.b.2).
- Development Standard Departure to allow less than the required side setback at 8th Ave (0' proposed ; 7' avg / 5' min required for portions of the structure 45' or less in height) (Table C for 23.45.518: HR Setbacks).
- Development Standard Departure to allow less than the required rear setback. 0' is proposed; 7' avg / 5' min required for portions of the structure 45' or less in height (Table C for 23.45.518: HR Setbacks).
- Development Standard Departure to allow less than the required east setback above 45'. 0' is proposed for portions of proposal abutting the east property line. (Table C for 23.45.518: HR Setbacks)
- Development Standard Departure to allow above grade parking to be closer to the lot line than the first floor of the structure (SMC 23.45.536-B.3)
- Development Standard Departure to allow garage doors larger than 75 square feet in size (SMC 23.45.536-D.3.a+b)
- Development Standard Departure to allow garage doors less than 15 feet from the lot line and closer to the street lot line than the street-facing facade of the structure. (SMC 23.45.536-D.3.a+b)
- Development Standard Departure to allow less than 30' between curb cuts at 8th Avenue (SMC 23.45.536-D.3.a+b)

SEPA – Environmental Determination –Chapter 25.05 Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions*
 ☐ DNS involving non-exempt grading or demolition,
 or involving another agency with jurisdiction.

*SEPA review included consideration of previous SEPA DNS from MUP #3003307

Current Development:

The site is currently vacant with remnants of the two early 20th century buildings that were partially demolished in 2007. A surface parking lot is located in the eastern portion of the site.

Access:

Existing access is via one curb cut from Seneca Street.

Surrounding Development:

The area includes a wide mix of uses, including multi-family highrise and mid-rise level structures, hospitals, medical uses, and parking structures. Freeway Park is located north of the site, separated from the site by a driveway/fire access to Horizon House. The four-story Benaroya Research building is located immediately to the east. A highrise residential building (Manor House) is located to the south, across Seneca Street. An early 20th century 10-story building (Exeter House) is located to the west, across 8th Avenue.

8th Avenue is a split street, with a steeply sloping grade adjacent to the site and a raised viaduct in the western portion of the right of way. The raised viaduct portion includes a walkway to Freeway Park. The lower portion curves underneath the viaduct and connects to Hubbell Place to the west. A Horizon House fire access driveway is located immediately north of the site and connects to the lower portion of 8th Avenue.

ECAs:

The site is mapped as a steep slope Environmentally Critical Area but regulated as a potential slide Environmentally Critical Area due to the HR zoning designation.

Neighborhood Character:

The First Hill neighborhood is densely developed with structures from the early 20th century to very recent development. Freeway Park is located to the north of the site, with multiple access points from various bridges, roadways, and stair structures (such as Piggott Corridor). This area is located immediately across I-5 from downtown and the downtown skyline serves as a backdrop to many places in the neighborhood. The Major Institution Overlay to the east of the site is dominated by medical uses, including major hospitals.



The area includes many sidewalks and transit options. Seneca Street is a well-traveled corridor between downtown and First Hill and Capitol Hill beyond. Parking is located in above and below grade structures, with some small surface lots and areas of on-street parking.

PROJECT DESCRIPTION

The proposed development is a major revision to a Master use Permit that included design review and was issued in 2007. The previously approved MUP was for a 240' tall (24-story) building and a second 11-story building above a base of parking, with a public open space elevated walkway to Freeway Park over the western portion of the site. That permit included 310 residential units and 315 parking spaces.

Since that MUP was issued, the Highrise (HR) zoning in this area has changed to allow buildings up to 300' tall. The applicant applied for a major MUP revision in response to this zoning change. The proposed major MUP revision is for a 31-story building above a base of parking with open space at the base of the tower, above the parking levels. The elevated pedestrian connection to Freeway Park remains part of the proposal. Two curb cuts from Seneca Street that were approved with MUP #3003307 have been removed from the proposal. The parking levels are at or below grade as viewed from Seneca Street, and above grade as viewed from 8th Avenue. The proposed development includes 335 residential units, 4,469 square feet of commercial development at the street level, and 285 parking spaces at and below grade.

EARLY DESIGN GUIDANCE MEETING: January 4, 2012

DESIGN DEVELOPMENT

Four alternative design schemes were presented. All of the alternatives included a residential tower built to the maximum height for this zone, parking at and below grade accessed from two curb cuts on 8th Avenue, a 20' setback from the east property line, a 10' setback from the west property line (for the public pedestrian connection across the site), and a tower that is angled from the property lines.

The first and applicant-preferred scheme (Alternative A) showed a 300' tall tower located in the center of the site. Residential open space would be located at the north side of the site, level with Freeway Park, and at the rooftop. Potential materials included terracotta colored metal to respond to nearby brick and terracotta, light blue tinted glass, darker blue spandrel glass, and a mix of colors for the metal mullions. The benefits of this Alternative included a more slender tower and less building footprint than the approved MUP, more public open space at the street level, and an increased distance from the tower to the south (Royal Manor). Pros also included the ability to provide better storefront windows for the retail spaces at grade in a plaza setting, since the windows would not be cut off by the steep grades at street level. The setback from Seneca Street would allow for a better view of the Exeter House façade, as viewed from the east on Seneca Street. The applicant noted that a negative aspect of this setback is a lack of response to the context of nearby urban street walls.

The second scheme (Alternative B) showed a similar configuration to Alternative A, but with the tower located at the south property line rather than centered on the site. The applicant noted that while this configuration responds to the nearby street wall context, it reduces privacy for the residents of Royal Manor and the proposed units, reduces the view of Exeter House, and doesn't allow room for a public plaza at Seneca Street. A positive aspect of this configuration was a better view of Freeway Park from 8th Avenue. Residential open space could be provided on the north side of the site and at the roof.

The third scheme (Alternative C) showed a tower centrally located above a 45' tall podium, as viewed from Seneca St. Pros included a response to the context of nearby street walls and a Land Use Code-conforming development. Cons included a lack of public open space at grade, reducing the view of Exeter House, a potential lack of cohesive design between the upper tower mass and the lower podium mass. Residential open space could be located at the top of the podium and the roof. This Alternative included 10 more parking spaces than Alternatives A and B.

The fourth scheme (Alternative D) showed the same configuration as Alternative C, with the tower moved to the south property line. Increased parking was the same as in Alternative C. Pros and cons were listed as being the same as Alternative C.

The applicant distributed a supplementary EDG packet page to the Board, identifying the existing Design Review Guidelines they saw as highest priority to the project.

The applicant described how the preferred Alternative A compares to the original approved MUP, since the proposal is a major revision to that MUP.

The previously approved MUP included 11% open space at street level (Seneca) and Alternative A included 44% of the site as open space at street level. The potential shadows from Alternative A would be more than the approved MUP, since the change in Highrise zoning now allows for much taller buildings than in 2007. Alternative A includes less building bulk as viewed from the east and west, due to a more slender tower and removal of the north 11-story building from the proposal.

PUBLIC COMMENT

Approximately 28 members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Appreciation for proposed connection to Freeway Park and development of this site
- Would like to see the Freeway Park connection designed to be as direct a physical and visual connection as possible between Seneca St and Freeway Park. The landscape plan should reference Freeway Park planting and hardscape, and should maximize sight lines. The surface should be designed for universal access (handicapped, bikes, and strollers). The lighting should be adequate and reference Freeway Park fixtures.
- Appreciation for restaurant and retail uses for the neighborhood at street level
- Any street level surfaces should be graffiti-resistant and upper building levels should be designed to reduce glare impacts to the south and west buildings.

- The garage areas should include accommodation for trucks for residents moving in and out. The 8th Avenue right of way is difficult to navigate and it would be hard for moving trucks to park there safely.
- Alternative C is better because the street wall is a better response to nearby urban context, and the podium could offer an opportunity to design a street wall in scale with nearby context. The setback and open space alternatives are more suburban in nature and not appropriate for this site. The stepped plazas with planter walls separating sidewalk from plaza could lead to the plazas feeling proprietary rather than public.
- This site is an anchor for the north end of 8th Avenue and provides a gateway from First Hill to Freeway Park. This corner and the Freeway Park connection should be designed as an anchor.
- The comparison between tower alternatives needs to include a comparison with the bulk of the tower in the original approved MUP.
- Concerns about vehicle access, traffic patterns, and number of parking spaces
 - DPD staff explained that this is reviewed by DPD, but not within the purview of the Design Review Board. Those comments should be sent directly to the DPD Planner, Shelley Bolser.
- Light fixtures should be lower level, similar to those in the approved MUP and the First Hill neighborhood plans.
- Concern about potential shadows from the proposed development
- The proposal should be designed in context with First Hill scale and treatment, rather than downtown. Benaroya Research center was mentioned as an example by one person.
- Concern about the proposed vehicular access and trash collection from 8th Avenue, which is steep and can be icy at times or occasionally closed by SDOT for maintenance.
- Concern with the building height, development of apartments rather than condos, and would prefer this building to be located south of Madison
- Concern about the amount of building area below grade adjacent to Benaroya Research
- Concern about the amount of parking spaces – too many for First Hill
- The design analysis should include more focus on nearby context and the appropriate building mass for this site. The tower with open space at grade doesn't reflect nearby context.
- Design Guidelines that are highest priority for this site include Adjacent Sites, Blank Walls, Architectural Context
- The plazas on Seneca St need to be open to the sidewalk, rather than walled off from the sidewalk and walled off between the plazas.
- Concern that the proposed departures are even possible with Land Use Code requirements
- The Freeway Park connection should be as physically and visually direct as possible. The applicant mentioned jogging the walkway to save Japanese Maples in the Park, but those maples have a lifespan that is more limited than this structure. The structure will last longer and have a bigger impact on the neighborhood and Park, and perhaps is more important than the maples.
- Any proposed landscaping should be low maintenance.

INITIAL RECOMMENDATION MEETING: February 1, 2012

DESIGN DEVELOPMENT

The applicant presented information in response to the January 4th, 2012 EDG meeting. That information is available in the Design Recommendation packet for the February 1, 2012 meeting, which is available at the DPD Public Resource Center, or by typing in the project number 3012797 at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp

PUBLIC COMMENT

Twenty-seven members of the public affixed their names to the Initial Recommendation meeting sign-in sheet. Those who spoke raised the following issues:

Height, Bulk and Scale

- The proposal will loom over the neighborhood. It clashes with the area's more intimate scale.
- We need time to study the building profiles.
- The Land Use Code calls for a 45' podium. This is not an arbitrary Code regulation.
- There needs to be careful study of the bulk and mass and how it fits in the neighborhood.
- The slot between Benaroya Medical Research Institute and the proposal needs more study.
- The proposed structure is closer to Benaroya R.I. than before.
- The proposal will have a detrimental impact on research during construction.
- A smaller podium is preferred. The ten story podium, however, unnecessarily contributes to the building's bulk.
- The ten story podium is too large and too tall.

Impacts to Freeway Park

- The structure will cast shadows on Freeway Park.
- Shadows will fall on the sunnier portions of the park.
- There is not enough detail in the DR packet to make a determination regarding the connections to Freeway Park.
- The design creates a pinch point at the connection to the Park.
- The Park would benefit from having retail uses fronting onto it.
- The connection to the Park needs to improve.
- The trees near Freeway Park should be protected. What are the impacts on the trees?
- Freeway Park is a neighborhood amenity and important to the convention center.
- The orientation of the outdoor space to Freeway Park is good.
- The impact upon Freeway Park is significant. The Design Commission should review the connection to the Park.
- The building will have an immense visual impact when looking at it from the Park.

Neighborhood Character

- This project will be the first 300' building approved in the Highrise zone. This will set a precedent.
- The contextual development has improved.
- The location does not represent a transition or a bridge to downtown. Rather the location is an integral part of the Eighth Ave corridor. The project does not contribute to the charm of Eighth Ave.
- The neighborhood is dependent upon the Board's decisions.
- The building will be there for decades. It must be the best possible fit for this urban residential neighborhood. The Board and the applicant should take time to get this building right. We need a feel for the materials and the connection to Freeway Park.
- The proposal will create a large blank wall on Eighth Ave.

Further Study

- Encourages the Board to convene a second Recommendation meeting.
- There is not enough information about project materials, amenities and other features.

Departures

- Some of the departures are not allowed by the Land Use Code.
- The effect of the departures is to increase or enhance the building's bulk.
- The project wants its height and bulk too.
- Don't approve any departures that contribute to bulk.
- Departure # 6 is a problem. The project is wider by 30'. This is not in the spirit of the Land Use Code.

Traffic

- Traffic studies are out of date. Revised studies must take into account new development including the addition of the Polyclinic to the neighborhood.

Parking and Vehicle Access

- A-8 Guideline. The proposed access creates problems. The exit is near a fire lane which is not meant for traffic. The garage and loading access area is characterized by blind spots, a steep drive, and south bound traffic.
- The Eighth Ave. access is questionable.
- Separation of the parking is fine.
- The design of the parking is not resolved.
- Exiting from the garage should occur on Seneca St.
- Shift the loading area away from the bottom of the hill.

Open Space

- There needs to be a more rigorous study of the open space details.
- Provide more study of the plant palette.
- It is dubious whether a sculpture court is needed by the community.

Miscellaneous

- Solid waste area. There is no specification on the commercial loading area.

FINAL RECOMMENDATION MEETING: March 7, 2012

DESIGN DEVELOPMENT

The applicant presented information in response to the February 1st, 2012 Initial Recommendation meeting. That information is available in the Design Recommendation packet for the March 7, 2012 meeting, which is available at the DPD Public Resource Center, or by typing in the project number 3012797 at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp

The applicant also described community meetings they have held with the community members outside of the Design Review Process. Traffic studies are in review with DPD. The applicant has also been working with Parks Department on coordination with Freeway Park for shadow impacts and related planting plans.

The number of departures had been reduced from the Initial Recommendation Meeting. The floor plate and façade width departures are no longer requested. The east side setback departure was only requested for the portion of the building adjacent to Seneca Street, in order to provide the street wall as directed by the Board at the Early Design Guidance and Initial Recommendation meetings.

Two possible promenade connections into Freeway Park were proposed. The first alternative angled into Piggott Corridor. This was the applicant's preferred option, but would require approval from an adjacent property owner (Horizon House). An alternative design provided a combination of a ramp into Piggott Corridor and stairs into the Park. This would require Seattle Department of Transportation approval since it crosses the public right of way. Due to grade changes to the lower point of connection, the "art court" area of the promenade would be more sloped down to the north. It also placed pedestrians closer to the 8th Ave viaduct, so the applicant believed the first option is a better pedestrian experience. The applicant requested that the Board recommend approval of both promenade options, with the intent that the first option would be built if the necessary easement can be negotiated with the adjacent property owner. The applicant continues to work with the Parks Department on the specific design of this connection.

The "art court" in the promenade will be finished with an installation chosen by a committee composed of the developer, a Seattle Arts Commission member, a community member, and a member of a local arts school.

The applicant continues to work with the Parks Department, the First Hill Neighborhood Association for potential neighborhood improvements, and adjacent property owners for construction impacts.

PUBLIC COMMENT

Thirteen members of the public affixed their names to the Final Recommendation meeting sign-in sheet. Those who spoke raised the following issues:

Height, Bulk and Scale

- The proposed development isn't representative of the neighborhood scale
- Several comments stating that the zoned height maximum doesn't fit well in the scale of the First Hill neighborhood
- The bulk of the street wall is out of scale with neighborhood
- The southeast corner is too tall and requires a departure to be directly adjacent to the Benaroya Research Institute
- Potential glare from metal façade and glass is a concern
- Adjacent neighbors are concerned with 11-story structure adjacent to their building - security concern about access to their roof from the proposed development
- Retail should be more transparent at Seneca St
- Remove the louver at the street frontage near the east property line

Freeway Park Connection

- Concerns about potential impacts to Park and wants the applicant to continue working with the neighborhood on the proposed design
- Freeway Park context of cascading planters and water features should be included in the proposed connection and open space
- Design of the connection should be creative and beautiful and inviting, would prefer a more direct and wider connection. The preferred option can work better than the second option but it needs to be wider.
- Concerned that the proposed building height will shadow Freeway Park plants
- It's critical to understand the details of the connection, but there isn't enough information shown.
- Need conditions of approval for community engagement with Freeway Park Association and Parks Department, or return to Design Review Board. The dimensions, material, possible widening of the connection are unclear.
- Public safety is a big concern in this area of Freeway Park. Need to maximize safety.
- Concerned about public accessibility of open space on site
- Appreciation for visual connection between promenade and lower 8th Ave
- Pedestrian perception of height of landscape planters; the planters should relate to pedestrian scale
- Concerned that glass railings and walls will encourage vandalism. Choose more graffiti resistant materials.
- Make the proposed restaurant at NW corner a condition, since it will draw people and make it a truly public space.

Departures

- Very happy the departures have been reduced and happy the applicant is no longer seeking departures related to the upper building bulk. (a few comments repeating this)

Traffic and parking

- Related to the scale of the building, the building is too tall and will create too much traffic
- Would like sidewalk to be widened on lower 8th Ave at the base of the Convention Center for better truck turning radius
- Fire lane access might be used by cut through traffic and may be blocked by cars accessing the proposed driveway at 8th Ave

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines of highest priority for this project.

A. *Site Planning*

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

At the Early Design Guidance Meeting, the Board acknowledged the difficulties of dealing with grade changes across the site, including the Seneca St and 8th Avenue frontages, as well as the proposed connection to Freeway Park.

The Board was concerned about the proposed plazas and separation of retail and building entry from the sidewalks, especially at the Seneca street frontage. The context of nearby urban street walls should be expressed at this site, with perhaps some setback for a wider sidewalk (but not to the extent of plazas shown in Alternative A). The storefront windows should be located adjacent to the sidewalk, and the storefronts should be designed in response to the changing grade. The Board noted there are some positive examples of this in the west slope of the Capitol Hill neighborhood. The street wall should engage the sidewalk and add to human activity at the sidewalk.

The Board gave guidance that the proposed public connection to Freeway Park should be wider than shown, and include a continuous ramp into Freeway Park instead of an ADA lift. The retail facing this walkway may not be exactly at grade with the walkway if a ramp system is included, but the Board acknowledged that the ramp is more important than walkway-level retail in that area. Any retail or restaurant at the base of the building should include a high amount of glazed storefronts.

The Board also encouraged the applicant to work with the tower placement and grades to place the retail level with the walkway ramp, if possible. The Board expressed willingness to consider departures in order to allow for a wider walkway to Freeway Park and retail that meets the walkway grade.

The Board strongly encouraged the applicant to work with the Freeway Park groups on the design of the proposed walkway to the Park.

The Board looks forward to seeing detailed designs of the proposed walkway and Seneca Street frontage at the Recommendation meeting. The graphics should clearly indicate the proposed dimensions, grade changes, how the storefront system is designed and responds to the adjacent walkways, landscaping, hardscape, conceptual signage plan, and lighting. Pedestrian perspectives and sections will be important in understanding the proposed design of all street frontages.

At the Initial Recommendation Meeting, the Board asked the applicant to return with more information about the connection to Freeway Park. Although the connection between the proposal and the Park appears improved, the Board expressed concern regarding the creation of a pinch point. Demonstrate how the programming for both the open space at the site's northwest corner and the adjacent interior spaces complement Freeway Park.

The Board asked for a more in depth analysis (with analytic diagrams) of how the building responds to the context. Most Board members liked the building wall along Seneca St.

The intrusion of the building mass in the northeast corner of the site near Benaroya Medical Research Institute is problematic and needs more study.

The Board members in general were pleased by the massing changes.

At the Final Recommendation Meeting, the Board deliberated and recommended conditions as detailed below:

Freeway Park:

The Board noted that the quality of neighborhood open space is an important aspect of the design. The Board strongly encouraged the applicant to provide a restaurant or café space facing the art court, in order to draw people through the area (although the Board acknowledged that recommending a condition to require a specific use is not within the purview of the Board's review).

The Freeway Park connection would be acceptable with either design option, and the Board noted that the design, hardscape, and landscaping of the connection will need to be approved by Seattle Parks and Recreation. The Board acknowledged and strongly encouraged the applicant's intent to continue working with the Freeway Park Association and the Seattle Parks Department on the proposed design of the connection. DPD stated that the proposed connection will require Parks Department review and conceptual approval prior to a Master Use Permit decision. A detailed review of a final design and approval of that design will be required by Parks prior to issuance of a building permit. DPD will be involved in both the Master Use Permit and the building permit reviews.

The Board advised that the final design should maximize the width of the connection, maximize the direct visual connection from Seneca Street to Freeway Park, and include minimal grade changes. The Board supported the use of glass railings to maximize visual connections, increase safety and provide graffiti resistant surfaces.

The Board recommended a condition that the applicant shall demonstrate to DPD that the design of the retail and residential areas adjacent to the Freeway Park connection includes maximize transparency, maximum porosity (connection between indoor and outdoor areas with operable windows and doors), and the building façade adjacent to the Freeway Park connection is designed for human scale and visual interest.

The Board recommended a condition that prior to building permit issuance, the applicant shall demonstrate to DPD that the design of the proposed Park connection has been reviewed and approved by the Seattle Parks Department.

Seneca St, street-level design:

The Board noted that the grade changes make the retail spaces challenging on Seneca Street. Therefore, the retail spaces should be designed to maximize transparency and appearance of height. The Board noted that the vertical piers at the street level don't need to reflect the width of the piers in the upper building mass.

The street level design should be modified to reflect the character of nearby street-level retail. The upper levels of the building are sufficiently designed to reflect nearby context and the design of those portions of the building should be retained in any modifications.

The Board recommended a condition that all the Seneca street-level commercial spaces should be modified to maximize transparency and porosity, remove solid materials and replace with glazing where possible, minimize planter height or remove the planters, and raise or step the awnings to maximize visual height of the commercial spaces.

The east portion of the Seneca Street façade includes a removable panel for generator access. The proposed departure to reduce the east setback relates to this façade. The Board previously advised this departure in order to provide street level facades that reflect nearby human scale. Therefore, this façade should be redesigned to reflect nearby human scale street level context.

The Board recommended a condition to relocate the generator access to somewhere other than the Seneca Street façade if mechanically possible, and replace with storefront. If relocation of the generator access is not mechanically possible, the façade should be designed to provide visual interest at the street level and to be consistent with the overall building design.

Lower 8th Ave:

The Board acknowledged the intent of the protruding planter design in modulating the façade at lower 8th Ave, but had concerns about the width of the planters intruding on the public space above and creating a sense of looming mass at lower 8th Ave.

The Board also indicated that the gesture of visual interest on the underside of the Freeway Park connection is a positive design direction, but the applicant should consider a solid material in one color, use of texture, or a different material to provide the visual interest.

The Board recommended a condition for the applicant to narrow the planters and reduce the mass below the planters.

The Board recommended a condition to enhance the underside of the Freeway Park connection to create visual interest, consistent with applicant's intent of a gesture for "something unexpected."

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

In addition to the comments in response to A-1, the Board noted that the street frontage should reflect the context of street level design in the First Hill neighborhood, especially on Seneca Street.

The proposed walkway to Freeway Park will be placed on a podium above 8th Avenue sidewalk. The design should ease the visual transition between these two areas, since the grade drops steeply down on 8th Avenue.

At the Initial Recommendation Meeting, the Board gave direction described in response to Guideline A-1.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

Guidance reflects the comments in response to Guidelines A-1 and A-2.

At the Initial Recommendation Meeting, the Board didn't offer specific comments related to this item.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

At the Early Design Guidance Meeting, the Board noted the challenges of parking and service access from lower 8th Avenue, given the grade change and the difficult configuration of the street to the north and west. At the Recommendation meeting, the applicant should clearly demonstrate how the proposed garage entries will operate, and how these entries and the garage area will allow adequate access for moving trucks (loading) and recycling/trash collection. Diagrams and sections will be helpful to demonstrate this information.

At the Initial Recommendation Meeting, the Board asked the applicant to return with a summary of SEPA and SDOT issues and how they impact access on 8th Ave. and traffic movement, related to the proposed vehicular access.

At the Final Recommendation Meeting, the Board acknowledged that there are public concerns about the existing conditions at the lower 8th Avenue area, but those concerns should be directed to DPD for the traffic report review, or SDOT for concerns with existing right of way configuration.

The Board noted that the proposed parking garage access has been designed to minimize impacts to the pedestrian environment and adjacent properties. The proposed departure to reduce the setback of the garage access for the loading area appears to enhance pedestrian safety, since it maximizes visibility at this street front. In most situations, this reduced setback would not be desirable. However, in the lower 8th Ave area with grade change challenges and shadows from the 8th Ave viaduct, maximum visibility is preferred to enhance safety.

The Board recommended a condition for the applicant to apply the departure to both garage entries, if the departure would provide sufficient sight triangles and turning radii for the garage entry.

A-10 Corner Lots. Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

At the Early Design Guidance Meeting, the Board noted the importance of the corner of 8th and Seneca as a gateway for the neighborhood, between Freeway Park and 8th Avenue, and between First Hill and Downtown. The building should be designed to respond to this gateway location.

At the Initial Recommendation Meeting, the Board didn't offer specific comments related to this item, beyond the comments related to Freeway Park in Guideline A-1.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

B. *Height, Bulk and Scale*

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

At the Early Design Guidance Meeting, the Board discussed the context of the nearby area as described more in response to Guideline C-1. The Board agreed that some version of Alternatives C or D may be better, since it allows for a strong street wall, a building base that responds to nearby First Hill neighborhood scale, and an upper tower that responds to nearby Downtown scale.

Overall, the Board felt that the proposed sculpted tower responds appropriately to the Downtown context, but the lower portion of the building needs massing and scale that responds to the context of First Hill development. The design should carefully knit these two different scales of development.

At the Initial Recommendation Meeting, the Board asked the applicant to return with information documenting how the shadows will impact the Park. Provide more information about the design of the building base and proposed materials. The Board members in general were pleased by the massing changes and the building wall along Seneca St.

The intrusion of the building mass in the northeast corner of the site near Benaroya Medical Research Institute is problematic and needs additional study.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

At the Early Design Guidance Meeting, the Board discussed the lower height and human scale of First Hill context. They also noted the strong street wall context of Seneca Street, and the tower context of Downtown. As described in response to B-1, the proposed design should reference these scales and treatments in upper and lower portions of the building, and knit the expressions for a cohesive overall design.

The Board noted that the proposed terracotta colored metal panels should instead be a durable material at the base that reflects nearby materials, such as actual masonry or terracotta.

The upper portions of the tower can reflect more of the Downtown context, but the applicant should work to express the residential nature of the units. Nearby First Hill context does this by framing units with balconies or other bay expressions. An uninterrupted glass curtain wall is less successful at achieving a residentially scaled tower in First Hill. The Board noted appreciation for the sculpted elements of the tower and the shadow lines, and advised the applicant to retain these positive aspects as they move forward to the next stage of design.

At the Initial Recommendation Meeting, the Board asked the applicant to return with a more in depth analysis (with analytic diagrams) of how the building responds to the context. Provide more information about the design of the building base and the proposed materials.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

- C-2 **Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

Guidance and initial recommendation reflects the comments in response to Guidelines B-1 and C-1.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

- C-3 **Human Scale.** The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

At the Early Design Guidance Meeting, the Board noted the importance of incorporating human scale into the design of the Seneca Street level areas, the areas adjacent to 8th Avenue, and the expression of residential units in the tower. This guidance is described in response to Guidelines A-1, A-2, B-1, and C-1.

At the Initial Recommendation Meeting, the Board gave the applicant direction described in Guidelines A-1, B-1 and C-1.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

- C-4 **Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

At the Early Design Guidance Meeting, the Board directed the applicant to design with materials that reflect the nearby context, particularly base materials that respond to First Hill context and tower materials that respond to residential tower context. This guidance is described in response to guidelines B-1 and C-1.

At the Initial Recommendation Meeting, the Board gave the applicant direction described in Guidelines B-1 and C-1.

At the Final Recommendation Meeting, the Board recommended that in addition to the comments and recommendations in response to Guideline A-1, the retail and storefront areas should include maximum transparency, include use of rich durable materials to reflect nearby context (such as masonry, stone, and concrete), and should not include metal.

The Board also strongly approved of the proposed terracotta and integral color materials that will maintain color over time. Fiber cement panels are preferred over metal panels. The use of metal and glazing could potentially create glare for nearby residents. Potential solutions could include coatings to reduce glare, or reducing the amount of glazing and metal panels on the south and west facing facades.

The Board recommended a condition that the applicant shall demonstrate to DPD that the proposed materials will minimize glare.

D. Pedestrian Environment

- D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Guidance and initial recommendation reflects comments in response to Guidelines A-1 and A-2.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

- D-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

Guidance reflects comments in response to Guidelines A-1, A-2 and D-5, specifically the plazas and retail frontage at Seneca Street and the parking garage wall at 8th Avenue.

At the Initial Recommendation Meeting, the Board didn't offer specific comments related to this item.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

- D-5 Visual Impacts of Parking Structures.** The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

At the Early Design Guidance Meeting, the Board discussed the challenging nature of 8th Avenue, with the steep grade change, the Convention Center parking garage wall to the north, the Horizon House fire access driveway to the north, and the upper 8th Avenue viaduct to the west. The Board noted that this is not a pedestrian street frontage, but the visual impact of the parking garage still needs to be adequately designed. The Board directed the applicant to design this street-facing wall to include articulation and façade treatments. The Board indicated that they would be willing to entertain departures to provide additional setback from the 8th Avenue public right of way for a wider sidewalk and additional articulation and modulation of the garage wall.

At the Initial Recommendation Meeting, the Board didn't offer comments related to this specific item.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

At the Early Design Guidance Meeting, the Board directed the applicant to design with safety in mind, especially at the lower 8th Avenue façade. Lighting and clear sight lines are important, as well as creating a more direct visual connection from the proposed upper Freeway Park walkway to the lower 8th Avenue sidewalk.

At the Initial Recommendation Meeting, the Board didn't offer comments related to this specific item.

The final Board deliberation and recommendations are summarized in the response to Guidelines A-1 and A-8.

D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

Guidance reflects comments in response to Guidelines A-1, A-2, and D-7.

At the Initial Recommendation Meeting, the Board didn't offer specific comments related to this item.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

Guidance reflects comments in response to Guidelines A-1 and A-2.

At the Initial Recommendation Meeting, the Board didn't offer specific comments related to this item.

The final Board deliberation and recommendations are summarized in the response to Guidelines A-1 and C-4.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

At the Early Design Guidance Meeting, the Board directed the applicant to carefully design the proposed Freeway Park walkway as a transition from First Hill into Freeway Park. Landscaping will be an important element of this design. Plants should be chosen to allow clear sight lines and reference Freeway Park plantings. The walkway should also allow for maximum visual connection with 8th Avenue below.

At the Initial Recommendation Meeting, the Board expressed a desire for the applicant and the supporters of Freeway Park to discuss issues. The applicant should return for a second recommendation meeting with more specific information about the plantings.

The final Board deliberation and recommendations are summarized in the response to Guideline A-1.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

Guidance and **recommendations** reflect comments in response to Guidelines A-1 and E-1.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) was based upon the departure's potential to help the project better meet the design guideline priorities and achieve a better overall design than could be achieved without the departure(s).

The applicant reduced the number of proposed departures between the Initial and Final Recommendation meetings. DPD identified two additional departures associated with the proposed development shown at the Recommendation meeting. The final list of departure requests is described below.

- 1. Additional height and extra residential floor area (as related to above-grade parking development standards) (23.45.516.C.2.b.2):** The Code requires that buildings proposed more than 240' tall include no parking at or above grade, unless separated from the street by an intervening use. The applicant proposes parking at the 8th Avenue street frontage, due to the grade changes and the difficulty of providing any active street level use in that area. No parking would be above grade at Seneca Street.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, A-8, and D-7 by providing visual interest and direct visual connections to enhance safety in response to difficult grade changes and the 8th Ave viaduct.

The Board unanimously recommended that DPD grant the departure.

- 2. Setbacks and Separations (related to west property line) (23.45.518.C):** The Code requires an average of 7' and a minimum of 5' setback for portions of a structure up to 45' tall abutting a street. The applicant proposes to eliminate the setback for the garage wall facing 8th Avenue, in order to provide a larger surface area and wider walkway to Freeway Park above the parking garage.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, A-8, and D-7 by providing visual interest and direct visual connections to enhance safety in response to difficult grade changes and the 8th Ave viaduct.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this document.

- 3. Setbacks and Separations (related to east property line) (23.45.518.C):** The Code requires a 20' setback for portions of a structure that are 45' or taller in at a side lot line. The applicant proposes a 0' setback for the garage wall on the east property line, for the same reasons noted in Departure 2.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, A-8, and D-7 by providing visual interest and direct visual connections to enhance safety in response to difficult grade changes and the 8th Ave viaduct.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this document.

- 4. Setbacks and Separations (related to east property line) (23.45.518.C):** The Code requires an average of 7' and a minimum of 5' setback for portions of a structure up to 45' tall abutting a rear lot line. The applicant proposes a 0' setback for the portion of the structure at the east property line, near the southeast corner of the site, in order to provide a street wall at Seneca Street that responds to nearby context.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, B-1, and C-1 by presenting a street wall that responds to nearby context.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this document.

- 5. Parking, Access and Screening – Garage Doors (size) (23.45.536.D.3.a):** The Code requires that garage doors facing a street are restricted to 75 square feet in size. The applicant proposes one 90 square foot and one 120 square foot garage door, in order to address vehicular circulation issues at 8th Avenue, raised at EDG.

This departure would provide an overall design that would better meet the intent of Design Review Guideline A-8 by providing sufficient garage door width to avoid creating circulation problems on the adjacent street.

The Board unanimously recommended that DPD grant the departure.

- 6. Parking, Access and Screening – Garage Doors (setback) (23.45.536.D.3.b):** The Code requires that garage doors facing a street are set back 15' from the street lot line. The applicant proposes to place the loading dock garage door 5' from the street lot line, in order to address vehicular circulation issues at 8th Avenue, raised at EDG.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-8 and D-7 by enhancing safety and direct visual connections.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed at the end of this document.

After the Recommendation meeting, DPD identified two additional departures that would be required for the design as proposed at the Recommendation meeting. Both departures are directly related to departures discussed by the Board at the Recommendation meeting and are within the scope of the Final Recommendation, as described below.

- 7. Parking location (23.45.536.B.3):** The Code requires that parking may be located in a structure or under a structure, provided that no portion of a garage that is higher than 4 feet above existing or finished grade, whichever is lower, shall be closer to a street lot line than any part of the first floor of the structure in which it is located. The applicant proposes parking levels that are more than 4' above grade at the 8th Avenue street frontage, due to the grade changes. These areas are closer to the 8th Ave lot line than the first floor of the building, for the reasons discussed in Departure #1. No parking would be above grade at Seneca Street.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, A-8, and D-7 by providing visual interest and direct visual connections to enhance safety in response to difficult grade changes and the 8th Ave viaduct.

This departure is a different code requirement but directly related to the discussion of Departures #1 and #2. The Board unanimously recommended that DPD grant Departures #1 and #2. Since the design of this item has not changed since the Recommendation meeting, and the Board specifically discussed and recommended departures related to that item, this departure is considered within the scope of the Design Recommendation by the Board.

- 8. Curb cuts - separation (23.54.030-F.1.c.1):** The Code requires a minimum distance of 30' between curb cuts. The applicant proposes 8' between the curb cuts for the garage entry and the loading dock at 8th Ave. The curb cut location is a response to the grade challenges and vehicular circulation needs, as described in Departure #6.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-8 and D-7 by enhancing safety and direct visual connections.

This departure is a different code requirement but directly related to the discussion of Departure #6. The Board unanimously recommended that DPD grant the Departure #6. Since the design of this item has not changed since the Recommendation meeting, and the Board specifically discussed and recommended departures related to that item, this departure is considered within the scope of the Design Recommendation by the Board.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated March 7, 2012, and the materials shown and verbally described by the applicant at the March 7, 2012 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design. The Board recommends the following CONDITIONS (Authority referred in the letter and number in parenthesis):

- 1. The applicant shall demonstrate to DPD that the design of the retail and residential areas adjacent to the Freeway Park connection includes maximize transparency, maximum porosity (connection between indoor and outdoor areas with operable windows and doors), and the building façade adjacent to the Freeway Park connection is designed for human scale and visual interest. (A-1)**
- 2. Prior to building permit issuance, the applicant shall demonstrate to DPD that the design of the proposed Park connection has been reviewed and approved by the Seattle Parks Department. (A-1)**
- 3. Relocate the generator access to somewhere other than the Seneca Street façade if mechanically possible, and replace with storefront. If relocation of the generator access is not mechanically possible, the façade should be designed to provide visual interest at the street level and to be consistent with the overall building design. (A-1)**
- 4. The street-level commercial spaces shall be modified to maximize transparency and porosity, remove solid materials and replace with glazing where possible, minimize planter height or remove the planters, and raise or step the awnings to maximize visual height of the commercial spaces. (A-1)**
- 5. Narrow the planters at the Freeway Park connection and reduce the mass below the planters. (A-1)**
- 6. Enhance the underside of the Freeway Park connection to create visual interest, consistent with applicant's intent of a gesture for "something unexpected." (A-1)**
- 7. Apply Departure #6 to the loading and the primary garage entries, if the departure would provide sufficient sight triangles and turning radii for the primary garage entry. (A-8)**
- 8. The retail and storefront areas shall include maximum transparency, include use of rich durable materials to reflect nearby context (such as masonry, stone, and concrete), and should not include metal. (C-4)**
- 9. The applicant shall demonstrate to DPD that the proposed materials will minimize glare. (C-4)**

Response to Design Review Board Recommended Conditions:

1. The applicant has provided preliminary graphics to DPD, demonstrating additional areas of glazing and entries to the building adjacent to the Freeway Park connection. This information will be shown in the MUP plan set prior to MUP issuance, demonstrating storefront window design consistent with other areas of human-scaled storefront windows. This recommended design review condition has been satisfied.
2. Prior to building permit issuance, the applicant shall demonstrate to DPD that the design of the proposed Park connection has been reviewed and approved by the Seattle Parks Department. This will be a condition of MUP approval, prior to Building Permit Issuance.
3. The applicant has provided a signed statement from a mechanical engineer noting that due to clearance height and ventilation requirements, the generator can't be relocated to the 8th Ave façade or interior of the building. Prior to MUP issuance, the applicant shall demonstrate a human-scaled visually interesting high quality material façade treatment in the area where the generator will be required at the Seneca Street façade. The façade treatment is subject to review and approval by the Land Use Planner.

4. The street-level commercial spaces have been revised to add glazing, remove solid materials and lower planter heights or remove planters where possible. The awnings and ceiling heights have been raised in the commercial spaces to maximize the visual height of that retail space. This recommended design review condition has been satisfied.
5. The planters at the Freeway Park connection have been narrowed and reduced to a maximum overhang depth of 2'. This recommended design review condition has been satisfied.
6. The underside of the Freeway Park connection will be treated in a painted pattern to create visual interest, consistent with applicant's intent of a gesture for "something unexpected." This recommended design review condition has been satisfied.
7. The applicant has opted not to apply Departure #6 to the loading and the primary garage entries, in order to provide adequate circulation and access. This recommended design review condition has been satisfied.
8. The retail and storefront areas have been modified to add maximum transparency, and have been modified to replace metal panel with stone façade. This recommended design review condition has been satisfied.
9. The applicant has indicated that they will conduct a glare study and modify materials to reduce glare wherever it is recommended by the study. This study will be required prior MUP issuance as conditioned below.

DECISION – DESIGN REVIEW

The proposed design and Development Standard Departures are **CONDITIONALLY GRANTED**, subject to the conditions listed below.

SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 31, 2011. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and pertinent comments which may have been received regarding this proposed action have been considered. DPD also considered the previous DNS at this site for MUP #3003307, since the proposed development is a major revision to the previous MUP.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for most of the impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). Further discussion and mitigation of some impacts is warranted, as listed below.

Short Term Impacts

Earth

The site is mapped as a steep slope Environmentally Critical Area, but due to the Highrise zoning designation, it is regulated as a Landslide Prone area (SMC 25.09.020.A.4). Review of the landslide area was conducted under MUP #3003307 and it was determined that the details related to this area could be sufficiently addressed through the Stormwater, Grading, and Drainage Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with that Code during Building Permit review. No additional mitigation is warranted.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a building permit.

Long Term Impacts

Public Services – Parks

Freeway Park is located immediately north of the site. The proposed development includes a pedestrian connection into Freeway Park from Seneca Street across the site, connecting with an elevated structure into the Freeway Park structure.

The proposed building would be built to the maximum height permitted by the zone. Seattle Parks and Recreation has submitted a letter listing concerns and direction for the next step of review of the Freeway Park connection. The letter lists concerns with:

- Shadow and wind impacts to the plants and Park users
- Loss of views for Park users
- Parking and traffic impacts
- Construction noise
- Construction pollution

- Construction stormwater runoff.
- The proposed Freeway Park connection should be open for public use, and the connection is at least 10' wide, connects into Piggott Corridor in Freeway Park as shown on the MUP drawings, and includes a ramp that meets ADA standards.

In addition to the letter from Parks, DPD also received a number of public comment letters with similar concerns about the shadow, wind, view, and height/bulk/scale impacts to Freeway Park.

SMC 25.05 does not contain any SEPA policies to mitigate wind impacts from proposed development. Therefore, analysis or mitigation of wind impacts is outside the scope of this review.

The Parks letter and other letters did not identify any specific existing soil contamination at this site that would warrant mitigation beyond the requirements of the Stormwater, Grading, and Drainage Code. The requirements of that Code are expected to mitigate impacts from construction soil and drainage. Therefore, additional analysis or mitigation of those items is warranted.

Freeway Park is not listed as one of the specified viewpoints, parks, scenic routes, or view corridors in SMC 25.05.675.P. The Parks letter and others did not indicate there are any particular views of historic landmarks to be protected from Freeway Park. Therefore, no additional analysis or mitigation of Public View Protection is warranted.

The proposed connection to Freeway Park is a critical item to the design of the proposed development and enhancing Freeway Park. The Parks-recommended conditions related to this design have been included as conditions of approval for this MUP.

Specific discussions related to noise, parking, traffic, and shadows are in the Noise (Short Term), Parking and Traffic (Long Term), Shadows on Open Spaces (Long Term) analyses.

Light and Glare

The south facing façade of this building will be composed of a glass curtain wall and may be visible from Interstate 5 northbound lanes. The south and west facades may also produce glare from curtain walls, visible from nearby residences and businesses. The Design Review Board recommended a condition related to mitigating glare. As described in the response to Design Review Recommended Condition #9, the applicant has noted that they will provide a study regarding potential glare and will make changes as recommended by the study. This potential impact is conditioned below.

Parking and Traffic

The applicant submitted traffic study information ("8th & Seneca Residential Apartments" dated October 2011, Prepared by Transportation Engineering Northwest, LLC) and follow up information dated March 27, 2012. Additionally, a Traffic Management Plan dated February 1, 2012 was developed and submitted to the City. This information indicates that the proposed development will not have significant impacts on the level of service at nearby intersections.

The configuration of lower 8th Avenue adjacent to the site is unusual, since the 8th Ave roadway is split with an upper level viaduct and a one-way northbound lower level surface street that curves below the viaduct to connect with Hubbell Place. To clarify parking and loading space on this segment of 8th Avenue and to reduce project impacts, the Traffic Management Plan recommends the following measures:

- (1) installing new “Commercial Vehicle Loading and Unloading Only” signs along the lower portion of 8th Avenue adjacent to the proposed site access garage;
- (2) requesting that the City install appropriate “Loading Only” signs along the other portions of 8th Avenue to restrict local residential parking and non-loading vehicles from parking along the lower portion of 8th Avenue between Seneca Street and Hubbell Place;
- (3) ensuring that any new “loading only” signs adjacent to the project site maintain sufficient sight distance (i.e., sight triangles) for vehicles to safely enter and exit the new garage access driveway and move-in loading dock on 8th Avenue;
- (4) encouraging residential move-in and move-out times on weekend days and during off-peak hours during weekdays;
- (5) maintaining the lower portion of 8th Avenue north of Seneca Street by hiring a local snow removal company to remove snow during the winter.

The traffic study also recommends a loading zone at Seneca Street for the purposes of serving loading needs of the businesses on the Seneca Street level of the development. This loading zone would be subject to Seattle Department of Transportation approval. Additionally, the segment of lower 8th Avenue adjacent to the project site is one-way northbound, but no signage exists where 8th Avenue curves towards Hubbell Place to alert drivers not to enter 8th Avenue southbound. Given additional traffic volumes from the project, a condition to install signs prohibiting southbound entrance to 8th Avenue is warranted. DPD has included these recommendations as conditions of this MUP approval.

The report indicates that a peak parking demand of 1 stall per unit is expected. The proposed number of parking spaces was reduced to 285 and the proposed number of residential units was increased to 335 from the time the parking demand was calculated. This means there could be a peak parking demand of 50 parking stalls that would not be accommodated on this site. While this may be an adverse impact, it is not a probably significant impact.

On-street parking is metered and there are pay to park parking garages located within walking distance. The supplementary traffic impact study information indicated that there are at least 7 pay parking lots in the area. Most of them are close to full at peak parking demand hours, but the study noted that the Convention Center garage one block north of the site has a high number of available parking spots during these times. Other amenities that may reduce peak parking demand include frequent transit service on Seneca Street and nearby, car-sharing programs with vehicles nearby, and infrastructure that supports bicycling and walking.

The proposed development is located in the First Hill Urban Center. SMC 25.05.675.M.2.b.2 notes that there is no SEPA authority to mitigate the impact of parking availability for residential uses located within the First Hill Urban Center.

Shadows on Open Spaces

Seattle Parks and Recreation and members of the public submitted letters listing concern with shadow impacts on Freeway Park. In the Design Review meetings, the applicant presented shadow studies as documented on pages 69-72 of the February 28, 2012 Recommendation Packet. The shadow studies demonstrated the shadows of the current proposed building and the shadows of the previous building design reviewed under MUP #3003307.

The SEPA Determination and Design Review conducted with MUP #3003307 did not indicate significant adverse impact from shadowing, or require any conditions to mitigate shadows on Freeway Park. A small area of Freeway Park will see additional shadow impact, compared with the approved MUP #3003307. The net increase in shadowing compared with MUP #3003307 would occur in the mornings around the spring and fall equinox near the northwest corner of the Park. There would also be a very small additional area of shadow in the mornings near the summer solstice.

The new proposed development also reduces some shadows cast on the Park by the previous approved MUP #3003307 design. The proposed tower is more slender than the previous design, which reduces the width of the shadow on Freeway Park in the morning to early afternoon in the spring through the fall months. The net result is a longer shadow in the early morning in the spring and fall, and less of a shadow on the Park in the mid-day hours closer to summer. Therefore, it is reasonable to conclude that the proposed development offers less shadow on the Park during hours and seasons of higher use, compared with the previous approved design.

The shadow impacts have been mitigated on the Park by sculpting the building and orienting the building so it is narrower in the east-west dimension, thereby blocking less sun for Freeway Park.

The applicant has also submitted a letter to DPD dated April 12, 2012, describing work to date with an arborist, and committing to work with Parks Department on a plan to replace the impacted plants and trees with shade-tolerant species.

Given the change in shadows on Freeway Park compared with the approved MUP #3003307 design, the applicant's proposed efforts to investigate and replant with shade-tolerant plants where needed, and the structure design efforts to reduce shadows on Freeway Park, no additional mitigation is warranted.

DETERMINATION OF NONSIGNIFICANCE

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ☐ There is no comment period for this DNS.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.
- ☐ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Issuance of a Master Use Permit

1. Demonstrate a human-scaled visually interesting high quality material façade treatment in the area where the generator will be required at the Seneca Street façade. The façade treatment is subject to review and approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Prior to Building Permit Issuance

2. The applicant shall demonstrate to DPD that the design of the proposed Park connection has been reviewed and approved by the Seattle Parks Department.
3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Prior to Certificate of Occupancy

4. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
5. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

6. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

DESIGN REVIEW AND SEPA – CONDITIONS OF APPROVAL

Prior to Issuance of a Master Use Permit

7. Provide a glare study of the proposed materials and indicate any changes to exterior materials that are recommended from the study.

Prior to Issuance of a Building Permit

8. The proposed Freeway Park connection shall be shown on the building permit plans with a minimum width of 10’.
9. The proposed Freeway Park connection shall be shown on the building permit plans to connect to Piggott Corridor, or other location as approved by Seattle Parks and Recreation.
10. The proposed Freeway Park connection shall include a ramp that meets ADA standards, or as approved by Seattle Parks and Recreation.

Prior to Certificate of Occupancy

11. The elevated pedestrian connection to Freeway Park shall be clearly marked with an approved City of Seattle Open Space marker, or other method approved by the Land Use Planner.

For the Life of the Project

12. The elevated pedestrian connection to Freeway Park shall remain open 24 hours a day, 7 days a week, or as modified by the Seattle Parks Department to coincide with Freeway Park hours.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Building Permit

13. If the applicant intends to work outside of the limits of the hours of construction described in condition #14, a Construction Noise Management Plan shall be required, subject to review and approval by DPD. The Plan shall include proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

During Construction

14. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #1.

Prior to Certificate of Occupancy

15. Install new "Commercial Vehicle Loading and Unloading Only" signs along the lower portion of 8th Avenue adjacent to the proposed site access garage. This condition is subject to Seattle Department of Transportation approval.
16. Request that the City install appropriate "Loading Only" signs along the other portions of 8th Avenue to restrict local residential parking and non-loading vehicles from parking along the lower portion of 8th Avenue between Seneca Street and Hubbell Place. This condition is subject to Seattle Department of Transportation approval.
17. Ensure that any new "loading only" signs adjacent to the project site maintain sufficient sight distance (i.e., sight triangles) for vehicles to safely enter and exit the new garage access driveway and move-in loading dock on 8th Avenue. This condition is subject to Seattle Department of Transportation approval.
18. Install "do not enter" or other signage prohibiting southbound movement on 8th Avenue south of the garage access. This condition is subject to Seattle Department of Transportation approval.
19. Provide an on-street loading zone at Seneca Street. This condition is subject to Seattle Department of Transportation approval.

For the Life of the Project

20. Encourage residential move-in and move-out times on weekend days and during off-peak hours during weekdays. This condition is subject to Seattle Department of Transportation approval.
21. Maintain the lower portion of 8th Avenue north of Seneca Street by hiring a local snow removal company to remove snow during the winter. This condition is subject to Seattle Department of Transportation approval.

Signature: (signature on file)
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

Date: May 3, 2012